

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3           LONNIE T. HAWKINS,

Case No.: 3:24-cv-00330-MMD-CSD

4                   Plaintiff

**Order**

5           v.

Re: ECF No. 1

6           WASHOE COUNTY, et al.,

7                   Defendants

8                   Plaintiff is an inmate in the custody of the Washoe County Detention Facility (WCDF),  
9                   and he has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.)

10                   The Local Rules of Practice for the District of Nevada provide: “Any person who is  
11                   unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma*  
12                   *pauperis* (IFP). The application must be made on the form provided by the court and must  
13                   include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1.  
14                   When a prisoner seeks to proceed without prepaying the filing fee, in addition to filing the  
15                   affidavit, the prisoner is required to submit a certified copy of the trust fund account statement  
16                   (or institutional equivalent) for the six-month period immediately preceding the filing of the  
17                   complaint. The statement must be obtained from the appropriate official at the prison or  
18                   detention facility where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

19                   When a prisoner brings a civil action IFP, the prisoner is still required to pay the full  
20                   amount of the filing fee. The court is required to assess, and when funds exist, collect an initial  
21                   partial payment of 20 percent of the greater of: (A) the average monthly deposits in the  
22                   prisoner’s account or (B) the average monthly balance in the prisoner’s account for the six-  
23                   month period immediately preceding the filing of the complaint. Thereafter, whenever the

1 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the  
2 preceding month's income credited to the prisoner's account until the filing fees are paid. The  
3 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),  
4 (2).

5 For actions filed on or after December 1, 2023, the filing fee is \$405 (the \$350 filing fee  
6 and \$55 administrative fee)). If an inmate does not qualify for IFP status, he must pay the full  
7 \$405 filing fee. If the inmate qualifies for IFP status, the \$55 administrative fee is waived, and  
8 the inmate will only pay the \$350 filing fee over time.

9 Plaintiff's IFP application is not accompanied by a certified copy of the trust fund  
10 account statement (or institutional equivalent) for the six-month period immediately preceding  
11 the filing of the complaint.

## 12 CONCLUSION

13 Plaintiff's incomplete IFP application (ECF No. 1) is **DENIED WITHOUT**  
14 **PREJUDICE.**

15 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP  
16 for an inmate. Plaintiff has **30 days** from the date of this Order to either file his completed IFP  
17 application or pay the full \$405 filing fee. The application must be accompanied by all of the  
18 required documents, including:

19 (a) the completed **application to proceed IFP for an inmate** on the court's  
20 approved form (i.e., pages 1-3 with the inmate's two signatures on page 3);

21 (b) a **financial certificate** properly signed by both the inmate and a prison or jail  
22 official (i.e., page 4 of the court's approved form); and  
23


1 (c) a copy of the inmate's prison or jail trust fund account statement for the  
2 previous six month period.

3 Once Plaintiff has filed his completed IFP application or paid the filing fee, the court will  
4 screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C. § 1915A, or both. Both  
5 require dismissal of a complaint, or any portion thereof, that is frivolous or malicious, fails to  
6 state a claim upon which relief may be granted, or seeks monetary relief against a defendant who  
7 is immune from such relief. If the complaint is dismissed on screening, there will be no refund of  
8 the filing fee, and an inmate proceeding IFP is still required to pay the \$350 filing fee over time.

9 If Plaintiff fails to timely file a completed IFP application with all of the required  
10 documentation or pay the filing fee, the court will recommend dismissal of this action without  
11 prejudice.

12 **IT IS SO ORDERED.**

13 Dated: September 16, 2024

14   
15 Craig S. Denney  
16 United States Magistrate Judge  
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